

1 LATHAM & WATKINS LLP
2 Michele D. Johnson (Bar No. 198298)
3 *michele.johnson@lw.com*
4 650 Town Center Drive, 20th Floor
5 Costa Mesa, California 92626-1925
6 Telephone: +1.714.540.1235
7 Facsimile: +1.714.755.8290

5 Elizabeth L. Deeley (Bar No. 230798)
6 *elizabeth.deeley@lw.com*
7 505 Montgomery Street, Suite 2000
8 San Francisco, California 94111-6538
9 Telephone: +1.415.391.0600
10 Facsimile: +1.415.395.8095

9 Hilary H. Mattis (Bar No. 271498)
hilary.mattis@law.com
10 140 Scott Drive
11 Menlo Park, CA 94025-1008
Telephone: +1.650.328.4600
Facsimile: +1.650.463.2600

12 Andrew B. Clubok (*pro hac vice* to be filed)
andrew.clubok@lw.com
13 555 Eleventh Street, N.W., Suite 1000
Washington, D.C. 20004-1304
14 Telephone: +1.202.637.2200
Facsimile: +1.202.637.2201

16 Attorney for Defendants *Twitter, Inc.,*
Jack Dorsey and Ned Segal

17 | Additional Counsel on Signature Page

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

22 KHAN M. HASAN, on behalf of himself and
all others similarly situated.

Case No.: 4:19-cv-07149-YGR

**STIPULATION AND [PROPOSED]
ORDER EXTENDING TIME FOR ALL
DEFENDANTS TO RESPOND TO
COMPLAINT AND CONTINUING
CASE MANAGEMENT
CONFERENCES**

(Civil L.R. 6-1, 6-2, 7-12)

Hon: Yvonne Gonzales Rogers

1 **WHEREAS**, this action is a proposed class action alleging violations of the federal
 2 securities laws against Twitter, Inc. (“Twitter”), Jack Dorsey and Ned Segal (collectively
 3 “Defendants”).

4 **WHEREAS**, absent an extension, Twitter would be due to answer, move, or otherwise
 5 respond to the *Hasan* Complaint on November 22, 2019;

6 **WHEREAS**, absent an extension, defendants Jack Dorsey and Ned Segal would be due
 7 to answer, move, or otherwise respond to the *Hasan* Complaint on November 29, 2019;

8 **WHEREAS**, on October 30, 2019, this Court issued an Initial Case Management
 9 Scheduling Order and SEC Class Action Notice, setting the Initial Case Management Conference
 10 for January 27, 2020 at 2:00 p.m. (Dkt. 5);

11 **WHEREAS**, this action is subject to the requirements of the Private Securities Litigation
 12 Reform Act of 1995, Pub. L. No. 104-67, 109 Stat. 737 (1995) (the “Reform Act”), which sets
 13 forth specialized procedures for the administration of securities class actions;

14 **WHEREAS**, the Reform Act provides for the appointment of a lead plaintiff to act on
 15 behalf of the purported class, and further provides that the appointment of lead plaintiff shall not
 16 be made until after a decision on a motion to consolidate is rendered (15 U.S.C. 78u-
 17 4(a)(3)(B)(ii));

18 **WHEREAS**, the last day to file motions to serve as lead plaintiff is December 30, 2019.
 19 (Dkts. 5, 7);

20 **WHEREAS**, the parties expect a consolidated complaint will be filed after the
 21 determination of the lead plaintiff motions;

22 **WHEREAS**, Defendants anticipate filing motions to dismiss the claims asserted against
 23 them in response to the consolidated complaint and the parties stipulate and submit below a
 24 briefing schedule to the Court in connection with any such motions;

25 **WHEREAS**, because the special procedures specified in the Reform Act contemplate (i)
 26 the consolidation of similar actions, (ii) appointment of lead plaintiff, and (iii) the filing of a
 27 single consolidated complaint by lead plaintiff and counsel to be appointed by the Court,

1 requiring Defendants to respond to the initial *Hasan* Complaint by the current response dates
 2 would result in the needless expenditure of private and judicial resources;

3 **WHEREAS**, pursuant to the Reform Act, unless otherwise ordered by the Court,
 4 discovery in this action is stayed during the pendency of any motion to dismiss (15 U.S.C. § 78u-
 5 4(b)(3)(B));

6 **WHEREAS**, counsel for the plaintiffs and defendants in the above-captioned action
 7 respectfully submit that good cause exists to vacate the existing January 27, 2020 initial case
 8 management conference and associated ADR deadlines until such time as the Court has the
 9 opportunity to rule on the appointment of lead plaintiff and approval of lead counsel.

10 IT IS ACCORDINGLY STIPULATED, by and between the undersigned counsel
 11 for the parties, that:

12 1. Defendants do not have to answer, move or otherwise respond to the current
 13 complaint;

14 2. Within 45 days following the appointment of Lead Plaintiff, a Consolidated
 15 Complaint will be filed;

16 3. Defendants shall move, answer or otherwise respond to the Consolidated
 17 Complaint within 45 days after the Consolidated Complaint is filed and served;

18 4. Lead Plaintiff shall file any opposition to any motion to dismiss within 45 days of
 19 Defendants' response to the Consolidated Complaint;

20 5. Defendants shall file any reply in support of any motion to dismiss within 30 days
 21 of Lead Plaintiff's Opposition.

22 6. The Initial Case Management Conference scheduled for January 27, 2020 be
 23 vacated, along with any associated deadlines under the Federal Rules of Civil Procedures and the
 24 Local Civil Rules for the United States District Court for the Northern District of California and
 25 all associated ADR Multi-Option Program deadlines, to be rescheduled for a date after the Court
 26 has the opportunity to rule on the appointment of lead plaintiff and approval of lead counsel.

27

1 DATED: November 22, 2019

LATHAM & WATKINS LLP

2 /s/ Michele D. Johnson

3 Michele D. Johnson (Bar No. 198298)
michele.johnson@lw.com
4 650 Town Center Drive, 20th Floor
Costa Mesa, California 92626-1925
Telephone: +1.714.540.1235
5 Facsimile: +1.714.755.8290

6 Elizabeth L. Deeley (Bar No. 230798)
elizabeth.deeley@lw.com
7 505 Montgomery Street, Suite 2000
San Francisco, California 94111-6538
8 Telephone: +1.415.391.0600
Facsimile: +1.415.395.8095

9
10 Hilary H. Mattis (Bar No. 271498)
hilary.mattis@law.com
11 140 Scott Drive
Menlo Park, CA 94025-1008
12 Telephone: +1.650.328.4600
Facsimile: +1.650.463.2600

13 Andrew B. Clubok (*pro hac vice* to be filed)
andrew.clubok@lw.com
14 555 Eleventh Street, N.W., Suite 1000
Washington, D.C. 20004-1304
15 Telephone: +1.202.637.2200
Facsimile: +1.202.637.2201

16
17 Attorney for Defendants *Twitter, Inc.,*
Jack Dorsey and Ned Segal.

18
19 DATED: November 22, 2019

KAPLAN FOX & KILSHEIMER LLP

20 /s/ Frederic S. Fox

21 Robert N. Kaplan (to be admitted *pro hac vice*)
rkaplan@kaplanfox.com
22 Frederic S. Fox (to be admitted *pro hac vice*)
ffox@kaplanfox.com
23 Donald R. Hall (to be admitted *pro hac vice*)
dhall@kaplanfox.com
24 Jeffrey P. Campisi (to be admitted *pro hac vice*)
jcampisi@kaplanfox.com
25 850 Third Avenue, 14th Floor
New York, NY 10022
26 Tel: +1.212.687.1980
27 Fax: +1.212.687.7714

Laurence D. King (SBN 206423)
lking@kaplanfox.com
Mario M. Choi (SBN 243409)
mchoi@kaplanfox.com
350 Sansome Street, Suite 400
San Francisco, CA 94104
Telephone: +1.415.772.4700
Facsimile: +1.415.772.4707

Attorneys for Plaintiff *Khan M. Hasan*

1 PURSUANT TO STIPULATION, IT IS SO ORDERED
2
3
4

5 DATED: _____
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Hon. Yvonne Gonzalez Rogers
United States District Court Judge

SIGNATURE ATTESTATION

I am the ECF User whose identification and password are being used to file the foregoing Stipulation and [Proposed] Order Extending Time for All Defendants to Respond to Complaint and Continuing Case Management Conferences. Pursuant to L.R 5-1(i)(3) regarding signatures, I, Michele D. Johnson, attest that concurrence in the filing of this document has been obtained.

DATED: November 22, 2019

/s/ Michele D. Johnson

Michele D. Johnson